



**SENATE AMENDMENT 8,  
TO 2005 SENATE BILL 618**

March 2, 2006 – Offered by Senator CARPENTER.

1 At the locations indicated, amend the bill as follows:

2 **1.** Page 1, line 5: after “Program” insert “and making an appropriation”.

3 **2.** Page 3, line 1: before that line insert:

4 “**SECTION 1g.** 20.255 (2) (fu) of the statutes is amended to read:

5 20.255 (2) (fu) *Milwaukee parental choice program.* A sum sufficient to make  
6 the payments to private schools under s. ss. 118.63 (4) and(4m) and 119.23 (4) and  
7 (4m).”.

8 **3.** Page 3, line 1: substitute “**SECTION 1r**” for “**SECTION 1**”.

9 **4.** Page 3, line 15: after that line insert:

10 “**SECTION 3m.** 118.63 of the statutes is created to read:

11 **118.63 Parental choice program. (1)** In this section:

12 (a) “Membership” has the meaning given in s. 121.004 (5).

1 (b) “Summer average daily membership equivalent” has the meaning given in  
2 s. 121.004 (8).

3 (c) “Summer choice average daily membership equivalent” means the summer  
4 average daily membership equivalent of pupils who were attending a private school  
5 under this section on the 2nd Friday of January of the school term immediately  
6 preceding that summer or whose applications have been accepted under sub. (3) for  
7 attendance at the private school in the school term immediately following that  
8 summer.

9 (d) “Teacher” means a person who has primary responsibility for the academic  
10 instruction of pupils.

11 **(2)** (a) Subject to par. (b), any pupil in grades kindergarten to 12 who resides  
12 within a school district located in whole or in part in senate district 8, 21, 28, or 33  
13 may attend, at no charge, any private school located in that school district if all of the  
14 following apply:

15 1. The pupil is a member of a family that has a total family income that does  
16 not exceed an amount equal to 1.75 times the poverty level determined in accordance  
17 with criteria established by the director of the federal office of management and  
18 budget. A pupil attending a private school under this section whose family income  
19 increases may continue to attend a private school under this section if the pupil is  
20 a member of a family that has a total family income that does not exceed an amount  
21 equal to 2.2 times the poverty level determined in accordance with criteria  
22 established by the director of the federal office of management and budget. For  
23 purposes of admission to a private school under this section, siblings of pupils  
24 attending a private school under this section are subject to the higher income limit.  
25 If a pupil attending a private school under this section ceases to attend a private

1 school under this section, the lower income limit applies unless the pupil is a sibling  
2 of a pupil attending a private school under this section.

3 2. The private school notified the state superintendent of its intent to  
4 participate in the program under this section by February 1 of the previous school  
5 year. The notice shall specify the number of pupils participating in the program  
6 under this section for which the school has space.

7 3. The private school complies with 42 USC 2000d.

8 4. The private school meets all health and safety laws or codes that apply to  
9 public schools.

10 5. All of the private school's teachers have graduated from high school or been  
11 granted a declaration of equivalency of high school graduation.

12 6. The private school achieves accreditation by the Wisconsin North Central  
13 Association, the Wisconsin Religious and Independent Schools Accreditation, the  
14 Independent Schools Association of the Central States, the Archdiocese of  
15 Milwaukee, the Institute for the Transformation of Learning at Marquette  
16 University, or any other organization recognized by the National Council for Private  
17 School Accreditation, by December 31 of the 3rd school year following the first school  
18 year that begins after June 30, 2006, in which it participates in the program under  
19 this section, or the private school was approved for scholarship funding for the  
20 2005-06 school year by Partners Advancing Values in Education.

21 (b) No more than 7,500 pupils, as counted under s. 121.004 (7), may attend  
22 private schools in any single school district under this section. Whenever the state  
23 superintendent determines that the limit is reached, he or she shall issue an order  
24 prohibiting the participating private schools from accepting additional pupils until

1 he or she determines that the number of pupils attending private schools under this  
2 section has fallen below the limit.

3 (3) (a) The pupil or the pupil's parent or guardian shall submit an application,  
4 on a form provided by the state superintendent, to the participating private school  
5 that the pupil wishes to attend. Within 60 days after receiving the application, the  
6 private school shall notify the applicant, in writing, whether the application has been  
7 accepted. The state superintendent shall ensure that the private school determines  
8 which pupils to accept on a random basis, except that the private school may give  
9 preference in accepting applications to siblings of pupils accepted on a random basis.

10 (b) If the private school rejects an applicant because it has too few available  
11 spaces, the pupil may transfer his or her application to a participating private school  
12 that has space available.

13 (4) (a) Annually, on or before October 15, a private school participating in the  
14 program under this section shall file with the department a report stating its  
15 summer average daily membership equivalent and its summer choice average daily  
16 membership equivalent for the purpose of sub. (4m).

17 (b) Upon receipt from the pupil's parent or guardian of proof of the pupil's  
18 enrollment in the private school during a school term, the state superintendent shall  
19 pay to the parent or guardian, from the appropriation under s. 20.255 (2) (fu), an  
20 amount equal to the lesser of the following:

21 1. The amount equal to the private school's operating and debt service cost per  
22 pupil that is related to educational programming, as determined by the department.

23 2. The amount paid per pupil under s. 119.23 (4) (b) in the previous school year  
24 multiplied by the sum of 1.0 plus the percentage change from the previous school

1 year to the current school year in the total amount appropriated under s. 20.255 (2)  
2 (ac) expressed as a decimal, but not less than zero.

3 (c) The state superintendent shall pay 25 percent of the total amount under par.  
4 (b) in September, 25 percent in November, 25 percent in February, and 25 percent in  
5 May. The state superintendent may include the entire amount under sub. (4m) in  
6 one of those installments or apportion the entire amount among one or more of those  
7 installments. The department shall send the check to the private school. The parent  
8 or guardian shall restrictively endorse the check for the use of the private school.

9 **(4m)** In addition to the payment under sub. (4) the state superintendent shall  
10 pay to the parent or guardian of each pupil enrolled in a private school under this  
11 section, in the manner described in sub. (4) (c), an amount determined by multiplying  
12 40 percent of the payment under sub. (4) by the quotient determined by dividing the  
13 summer choice average daily membership equivalent of the private school by the  
14 total number of pupils for whom payments are being made under sub. (4).

15 **(5)** The state superintendent shall ensure that pupils and parents and  
16 guardians of pupils who reside in the school district are informed annually of the  
17 private schools participating in the program under this section.

18 **(6)** The board shall provide transportation to pupils attending a private school  
19 under this section if required under s. 121.54 and may claim transportation aid  
20 under s. 121.58 for pupils so transported.

21 **(7)** (a) Each private school participating in the program under this section  
22 shall meet at least one of the following standards:

23 1. At least 70 percent of the pupils in the program advance one grade level each  
24 year.

1           2. The private school’s average attendance rate for the pupils in the program  
2 is at least 90 percent.

3           3. At least 80 percent of the pupils in the program demonstrate significant  
4 academic progress.

5           4. At least 70 percent of the families of pupils in the program meet parent  
6 involvement criteria established by the private school.

7           (am) Each private school participating in the program under this section is  
8 subject to uniform financial accounting standards established by the department.  
9 Annually by September 1 following a school year in which a private school  
10 participated in the program under this section, the private school shall submit to the  
11 department all of the following:

12           1. An independent financial audit of the private school conducted by a certified  
13 public accountant, accompanied by the auditor’s statement that the report is free of  
14 material misstatements and fairly presents pupil costs under sub. (4) (b) 1. The audit  
15 under this subdivision shall be limited in scope to those records that are necessary  
16 for the department to make payments under subs. (4) and (4m).

17           2. Evidence of sound fiscal practices, as prescribed by the department by rule.

18           (c) A private school may not require a pupil attending the private school under  
19 this section to participate in any religious activity if the pupil’s parent or guardian  
20 submits to the pupil’s teacher or the private school’s principal a written request that  
21 the pupil be exempt from such activities.

22           (d) By August 1 before the first school term of participation in the program, or  
23 by May 1 if the private school begins participating in the program during summer  
24 school, each private school participating in the program under this section shall  
25 submit to the department all of the following:

1           1. A copy of the school's current certificate of occupancy. If the private school  
2 moves to a new location, the private school shall submit a copy of the new certificate  
3 of occupancy to the department before the attendance of pupils at the new location  
4 and before the next succeeding date specified in s. 121.05 (1) (a). A temporary  
5 certificate of occupancy does not meet the requirement of this subdivision.

6           2. Evidence of financial viability, as prescribed by the department by rule.

7           3. Proof that the private school's administrator has participated in a fiscal  
8 management training program approved by the department.

9           (e) 1. Annually, each private school participating in the program under this  
10 section shall administer a nationally normed standardized test in reading,  
11 mathematics, and science to pupils attending the school under the program in the  
12 4th, 8th, and 10th grades. The private school may administer additional  
13 standardized tests to such pupils. Beginning in 2006 and annually thereafter until  
14 2011, the private school shall provide the scores of all standardized tests that it  
15 administers to the School Choice Demonstration Project.

16           2. The legislative audit bureau shall review and analyze the standardized test  
17 score data received from the School Choice Demonstration Project. Based on its  
18 review, in 2007 and annually thereafter until 2011, the bureau shall report to the  
19 legislature under s. 13.172 (2) the results of the standardized tests administered  
20 under subd. 1., the scores of a representative sample of pupils participating in the  
21 program on the tests under ss. 118.30 and 121.02 (1) (r), and the scores of a  
22 comparable group of pupils enrolled in the school district operating under this  
23 chapter on the tests under ss. 118.30 and 121.02 (1) (r).

24           (f) A private school that is neither accredited nor approved under sub. (2) (a)  
25 6., and to which either of the following applies, shall apply for accreditation by

1 December 31 of the school year in which it enters or reenters the program under this  
2 section:

3 1. The private school did not participate in the program under this section  
4 during the 2005–06 school year.

5 2. The private school participated in the program under this section during the  
6 2005–06 school year but did not participate in the program during the 2006–07  
7 school year.

8 **(8)** There is created a pupil assignment council composed of one representative  
9 from each private school participating in the program under this section. Annually  
10 by June 30, the council shall make recommendations to the participating private  
11 schools to achieve, to the extent possible, a balanced representation of pupils  
12 participating in the program under this section.

13 **(9)** If any accrediting agency specified under sub. (2) (a) 6. determines during  
14 the accrediting process that a private school does not meet all of the requirements  
15 under s. 118.165 (1), it shall report that failure to the department.

16 **(10)** (a) The state superintendent may issue an order barring a private school  
17 from participating in the program under this section in the current school year if the  
18 state superintendent determines that the private school has done any of the  
19 following:

20 1. Misrepresented information required under sub. (7) (d).

21 2. Failed to provide the notice required under sub. (2) (a) 2., or the information  
22 required under sub. (7) (am) or (d), by the date or within the period specified.

23 3. Failed to refund to the state any overpayment made under sub. (4) (b) or (4m)  
24 by the date specified by department rule.

